

# ACLU OF TENNESSEE NEWS ALERT

For immediate release

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## ACLU FILES LAWSUIT CHALLENGING MEMPHIS CONCERT ORDINANCE

On May 10, 1990 the ACLU of Tennessee filed McDaniel v. Hackett which challenges the constitutionality of a recently enacted Memphis ordinance which prohibits any promoter, performer, producer, director, or parent from "knowingly" allowing a minor to attend a "live performance which is harmful to minors". The lawsuit is filed on behalf of Larry McDaniel and his minor children.

The lawsuit charges that this ordinance deprives parents of their right to rear their own children to determine what performances they may attend, view, see, hear or participate in without due process of law. The ordinance does not provide reasonable notice of what is proscribed, is overly broad, and fails to provide substantive or procedural due process of law.

According to Hedy Weinberg, Executive Director of the ACLU of Tennessee, "The ACLU believes the ordinance blatantly violates the First and Fourteenth Amendments to the United States Constitution. The ordinance takes a major responsibility away from parents and hands it over to the government to determine what concerts minors can attend and what music they can listen to. This usurpation of parental responsibility certainly puts government in a role it should not be in."

The lawsuit seeks declaratory and injunctive relief and compensatory damages. ACLU cooperating attorneys are Bruce Kramer and Richard Fields.